

Notice of Allowability	Application No.		Applicant(s)	
	09/629,986		NIEVES, CHARLTON P.	
	Examiner		Art Unit	
	Nhan T. Tran		2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 10/14/2004 and phone interview 2/10/2005 (Examiner's amendment).
2. ☒ The allowed claim(s) is/are 1-28 and 33-36.
3. ☒ The drawings filed on 31 July 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 10/14/2004 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>2/10/05</u> 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
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DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see amendment, filed 10/14/2004, with respect to claims 1-28 & 33-36 have been fully considered and are persuasive. The rejection of these claims is withdrawn.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Kroll on 2/10/2005.

Regarding claims 1, 28, 33 and 36, please delete the word "and" in front of the deleted "~~the like~~" in the second line of each of these claims.

Allowable Subject Matter

3. Claims 1-28 & 33-36 are allowed.

The following is an examiner's statement of reasons for allowance:

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Regarding independent claims 1, 26 & 28, the prior art of record fails to teach or suggest the combination of all limitations required in each of the independent claims 1, 26 & 28 that include the limitations "...a primary housing, the primary housing having a top end, the top end having an opening...at least three legs, each leg being connected to the primary housing, each leg further being movable between a first position, substantially adjacent the primary housing, and a second position, extending from the primary housing, such movement being in response to movement of the compression member; a leg securing member, the leg securing member being movable between a first position and a second position in response to motion of the compression member, the leg securing member securing at least one leg in the leg first position when the leg securing member is in the first position, the compression member being retained by such securement in the compressed position, the leg securing member further releasing the at least one leg when the leg securing member is in the second position, the compression member being released to decompress when the at least one leg is released, the compression causing the legs to move into the legs' second positions, such that the legs support the primary housing in a position which is generally upright;...means for activating and deactivating the motor...causing the leg securing member to move to the second position, which in turn causes the compression member to decompress, the compression causing the legs to move to the second position, such leg motion lifting the primary housing until it is supported by all the legs (*or* such leg motion righting the primary housing required in claims 26 and 28), the compression also elevating the camera housing through the primary housing top opening, such that the camera can be operated remotely to provide a view of the remote surface vicinity."

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Regarding independent claim 33, the claim is allowed for the same reason as provided for claims 1, 26 and 28 with the terms “compression member”, “decompression”, “decompresses” that respectively substitute “load member”, “unloading” and “unloads” required in claims 1, 26 and 28.

Regarding independent claim 36, the prior art of record also fails to teach or suggest the combination of all limitations required in claim 36, including the limitations “...a primary housing, the primary housing having a top end, the top end having an opening,...four legs, each leg being connected to the primary housing, each leg further being movable between a first position, substantially adjacent the primary housing, and a second position, extending from the primary housing, such movement being in response to movement of the compression member; a leg securing member, the leg securing member being movable between a first position and a second position in response to motion of the compression member, the leg securing member securing each leg in the leg first position when the leg securing member is in the first position, the compression member being retained by such securement in the compressed position, the leg securing member further releasing the at least one leg when the leg securing member is in the second position, the compression member being released to decompress when the at least one leg is released, the compression causing the legs to move into the legs' second positions, such that the legs support the primary housing in a position which is generally upright...a timer for activating and deactivating the motor, such that, after the device has been propelled on the remote surface, the motor is activated, causing the leg securing member to move to the second position, which in turn causes the legs to move to the second position, such leg motion lifting the primary housing until it is supported by all legs, the compression also elevating the camera

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housing through the primary top opening, such that the camera can be operated remotely to provide a view of the remote surface vicinity.”

Regarding claims 2-25, 27 & 34-35, the claims are allowable as being dependent of either claims 1, 26 and 33.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

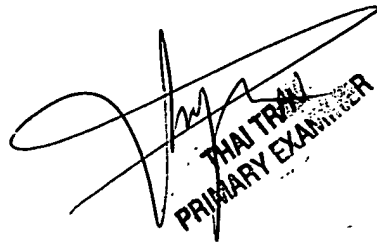
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (703) 605-4246. The examiner can normally be reached on Monday - Thursday, 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Thai Tran can be reached on (703) 305-4725. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NT.



THAI TRAN
PRIMARY EXAMINER